

REMARKS

Claims 1, 8-9, and 18-19 are pending.

Claims 1 and 8 are amended in order to remove the expression "and metal complex compounds." No new matter is believed to be added upon entry of the amendment.

Upon entry of the amendment, Claims 1, 8-9, and 18-19 will remain pending.

The rejections of Claims 1 and 8-9 under 35 U.S.C. § 112, first and second paragraphs, are believed to be obviated by amendment.

Applicants have amended Claims 1 and 8 to remove the expression "and metal complex compounds."

Applicants kindly request that the Examiner withdraw these two rejections.

The provisional rejection of Claims 1, 8-9, and 18-19 under 35 U.S.C. § 101 over claims 1-2, 8-9, and 16 of copending application 11/207,933 (US '933) is respectfully traversed.

Applicants believe that upon entry of the amendment, the 112-based rejections will be overcome. Accordingly, the only remaining rejection in the present application will be the above-noted provisional statutory double patenting rejection based on US '933. However, since this is believed to be the only remaining rejection, then the Examiner is requested to withdraw this rejection in the present application and apply a statutory rejection, if necessary, for US '933 once the present application issues.

In this regard, the Examiner's attention is directed to MPEP 804(I)(B)(2), which pertains to the Office's guidelines for statutory double patenting rejections and is reproduced in part as follows (Emphasis added.):

If a "provisional" statutory double patenting rejection is the only rejection remaining in one of the applications (but not both), the examiner should withdraw the rejection in that application and permit that application to

issue as a patent, thereby converting the "provisional" double patenting rejection in the other application into a double patenting rejection when the application issues as a patent.

If a "provisional" statutory double patenting rejection is the only rejection remaining in both applications, the examiner should withdraw that rejection in the application with the earlier filing date and permit that application to issue as a patent. If both applications were filed on the same day, the applicant should be given an opportunity to elect which of the two should be allowed. In either situation, the examiner should maintain the double patenting rejection in the other application as a "provisional" double patenting rejection, which will be converted into a double patenting rejection when one application issues as a patent.<

Since Applicants have not yet received an Office Action in US '933, then it is believed that withdrawal of the provisional rejection in the present application is the proper course of action.

Applicants kindly request that the Examiner acknowledge the same and withdraw this rejection.

Applicants filed an **Information Disclosure Statement**, along with the requisite fee under 37 CFR 1.17(p), citing the disclosure of JP 08-199162. Applicants kindly request that the Examiner acknowledge consideration and provide an indication that this reference has been considered by providing a initialed, signed, and dated copy of the appropriate PTO Form-1449 with the next Office Communication.

In view of the amendments to the Claims and the preceding remarks, it is believed that the present application is now in a condition for allowance. Should the Examiner deem that a personal or telephonic interview would be helpful in advancing this application toward allowance, she is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Application No. 10/617,397
Reply to Office Action of October 31, 2005

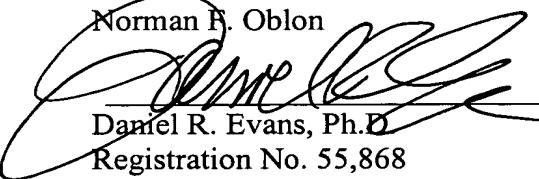
Applicants note that shortened statutory period for reply to the Office Action dated October 31, 2005 occurred on January 31, 2006. Accordingly, Applicants concurrently file a request for a two-month extension of time under 37 CFR § 1.136, with the appropriate fee under 37 CFR § 1.17. Should there exist a variance between that which is paid and owed, the Office is authorized to charge deposit account number 15-0030, in order to maintain pendency of the above-identified application.

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Respectfully submitted,
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